

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Ella A. Holland,)
)
Plaintiff,) Civil Action No:
)
vs.) **NOTICE OF REMOVAL**
Belk, Inc.,)
)
Defendant.))
)

Defendant Belk, Inc. (“Defendant”), through its counsel Christian Stegmaier and Kelsey J. Brudvig of Collins & Lacy, P.C., files this Notice of Removal in the above-captioned case to the United States District Court for the District of South Carolina, Columbia Division, pursuant to, inter alia, 28 U.S.C. §§ 1332, 1441, and 1446.

Defendant would respectfully show unto this Honorable Court:

1. The above-entitled action was brought in the Sumter County Court of Common Pleas by Plaintiff to recover from Defendant a judgment for actual and punitive damages for injuries that could be characterized as substantial, together with the cost and fees of this action. Defendant Belk, Inc. is a foreign corporation. Defendant’s state of incorporation is Delaware. Defendant’s principal place of business is in Charlotte, North Carolina, where its corporate headquarters is located. Upon information and belief, based on the allegations of the Complaint, Plaintiff is a citizen of South Carolina. By virtue of these allegations, Defendant avers the jurisdictional threshold has been satisfied.
2. Plaintiff’s Complaint is silent as to the amount in controversy. Although the Complaint does not specify the amount of damages sustained or pray for a specific sum, Plaintiff alleges to have suffered injuries as a result of a trip and fall on Defendants’ premises.

Plaintiff claims to have suffered and continued to suffer from the following: injury to her chest, lower back and hips, physical pain and suffering, mental anguish, emotional distress, impairment of health and bodily efficiency, past and future medical expenses, and all other damages – all to Plaintiff's injury and damage in an amount of actual and punitive damages to be determined at the trial of this action. Counsel for Defendant has conferred with Plaintiff's counsel regarding stipulation of damages. Plaintiff's counsel has advised that Plaintiff will not stipulate to damages of less than the jurisdictional threshold. Based on the above, Defendant submits there is sufficient evidence that the amount in controversy exceeds the jurisdictional threshold for removal.

3. Defendant was served with a copy of the Summons and Complaint on December 13, 2021. The deadline to remove this matter is January 12, 2021. A copy of the state pleadings is attached to this Notice of Removal as Exhibit A.
4. Defendant files herewith copies of all process, and pleadings served upon it in this action as part of this notice.
5. Defendant will file a copy of this Notice of Removal with the Clerk of Court for Sumter County, South Carolina, and will serve a copy upon counsel for Plaintiff.

WHEREFORE, Defendant Belk, Inc., prays this Honorable Court accepts this Notice of Removal that is being filed and that this Honorable Court takes jurisdiction of the above-entitled case and all further proceedings in said cause in the Court of Common Pleas, County of Sumter, State of South Carolina be stayed.

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,
COLLINS & LACY, P.C.

By: s/Christian Stegmaier
CHRISTIAN STEGMAIER
Federal Bar #: 8007
cstegmaier@collinsandlacy.com
KELSEY J. BRUDVIG
Federal Bar #: 12329
kbrudvig@collinsandlacy.com
Post Office Box 12487
Columbia, SC 29211
803.256.2660 (voice)
803.771.4484 (fax)

ATTORNEYS FOR BELK, INC.

NOTICE OF REMOVAL

January 12, 2022
Columbia, South Carolina